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ATTEST

By Mecca Thompson on Dec 30, 2008

FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Dec 11, 2008

FILED  
CLERK'S OFFICE

**IN RE: LAWNMOWER ENGINE HORSEPOWER  
MARKETING AND SALES PRACTICES  
LITIGATION (NO. II)**

MDL No. 1999

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-1)**

On December 5, 2008, the Panel transferred 23 civil actions to the United States District Court for the Eastern District of Wisconsin for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Lynn S. Adelman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Wisconsin and assigned to Judge Adelman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Wisconsin for the reasons stated in the order of December 5, 2008, and, with the consent of that court, assigned to the Honorable Lynn S. Adelman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Wisconsin. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

**Dec 30, 2008**

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

  
Jeffrey N. Lüthi  
Clerk of the Panel

**IN RE: LAWNMOWER ENGINE HORSEPOWER  
MARKETING AND SALES PRACTICES  
LITIGATION (NO. II)**

MDL No. 1999

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

<b><u>DIST. DIV. C.A. #</u></b>	<b><u>CASE CAPTION</u></b>
ALABAMA NORTHERN ALN 2 08-1907	Bert K. Jacome, et al. v. Sears, Roebuck & Co., et al.
ARIZONA AZ 2 08-2004	William B. Brey, et al. v. Sears, Roebuck & Co., et al.
COLORADO CO 1 08-2493	Jeffrey G. Bullis, et al. v. Sears, Roebuck & Co., et al.
IDAHO ID 1 08-460	Tracy Murphy v. Sears, Roebuck & Co., et al.
LOUISIANA EASTERN LAE 2 08-4491 LAE 2 08-4591	Robert M. Becnel v. Sunshine Equipment Co., et al. Carl Rachal v. Sears, Roebuck & Co., et al.
MASSACHUSETTS MA 1 08-11926	Heidi R.S. Dallal v. Sears, Roebuck & Co., et al.
MICHIGAN EASTERN MIE 2 08-14110	John Jones, et al. v. Sears, Roebuck & Co., et al.
MISSOURI EASTERN MOE 4 08-1613	Gregory W. Dale, et al. v. Sears, Roebuck & Co., et al.
NORTH DAKOTA ND 3 08-103	Matthew Doppler, et al. v. Sears, Roebuck & Co., et al.
OKLAHOMA NORTHERN OKN 4 08-587	Keith W. Whitehouse v. Sears, Roebuck & Co., et al.
PENNSYLVANIA MIDDLE PAM 3 08-1911	Pierre Skelton v. Sears, Roebuck & Co., et al.
TENNESSEE EASTERN TNE 3 08-399	A. Gregory Ramos v. Sears, Roebuck & Co., et al.

**MDL No. 1999 - Schedule CTO-1 Tag-Along Actions (Continued)**

<u>DIST.</u>	<u>DIV.</u>	<u>C.A. #</u>	<u>CASE CAPTION</u>
VIRGINIA EASTERN			
VAE	1	08-1136	Steven Grosz, et al. v. Sears, Roebuck & Co., et al.
WASHINGTON WESTERN			
WAW	2	08-1682	Michael W. Michel, et al. v. Sears, Roebuck & Co., et al.
WISCONSIN WESTERN			
WIW	3	08-547	Susan Barnard, et al. v. Sears, Roebuck & Co., et al.